

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

APELDYN CORPORATION,

Plaintiff,

v.

SONY CORPORATION and SONY  
ELECTRONICS INC.,

Defendants.

CONSOLIDATED CASES

Civil No. 1:11-cv-00440-SLR  
(LEAD CASE)

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APELDYN CORPORATION,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and  
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

Civil No. 1:11-cv-00581-SLR-MT

**STIPULATION AND [PROPOSED] ORDER STAYING  
CERTAIN FACT DISCOVERY**

THE PARTIES HEREBY STIPULATE AND AGREE, subject to the approval of the Court, that: 1) certain discovery be stayed until the Federal Circuit Court of Appeals issues a decision in *Apeldyn Corporation v. AU Optronics Corporation, et al.*, United States Court of Appeals for the Federal Circuit, Case No. 2012-1172 (the "AUO/CMO case"), and 2) the discovery deadline for fact discovery be extended until October 18, 2013.

The Sony defendants have represented that they did not manufacture their own VA mode LCD modules during the relevant time period. Instead, they purchased the relevant LCD modules from third party suppliers. They have represented that those suppliers were AUO and CMO (the two named defendants in the prior case filed by plaintiff Apeldyn in this District

which is currently on appeal to the Federal Circuit), Samsung, and S-LCD, a joint venture entity organized by Samsung and Sony. The Samsung Defendants have also represented that they purchased certain VA mode LCD modules from AUO, CMO and S-LCD.

Based on the representations described above, the parties in this case have agreed that it would be more efficient to await a decision from the Federal Circuit in the AUO/CMO case before pursuing any discovery relating to the modules supplied to the defendants by AUO and CMO. All parties would reserve their right to take any additional discovery relating to the AUO- and CMO-supplied modules after the AUO/CMO case decision, on a schedule to be determined at a later date. Plaintiff Apeldyn would further delay taking depositions of Sony employees until after the AUO/CMO case decision, with the right to depose them on all subjects after the Federal Circuit issues its decision in the AUO/CMO case. The parties would continue to pursue all other fact discovery on the current schedule, including fact discovery related to the display modules manufactured by Samsung and S-LCD, as set forth below. The parties also acknowledge that the Federal Circuit's decision in the AUO/CMO case may make further discovery relating to AUO and CMO technology moot.

Under the current case schedule, discovery closes on June 7, 2013. Two factors weigh in favor of extending the fact discovery deadline. First, the parties anticipate that the Federal Circuit decision in the AUO/CMO case will not issue until at least October 2013. Oral argument in the Federal Circuit is now set for July 11, 2013. Second, the parties are still in the process of exchanging all documents responsive to pending document requests, which has also delayed the scheduling of depositions. The parties intend to continue to diligently pursue discovery in this case under the extended schedule, subject to the Court's permission. The delay

of the fact discovery deadline will have no effect on the current case schedule, since the Court has already stayed all case activities other than fact discovery.

The parties' requested extension is set forth in the following table. The bolded items are the only changes from the current schedule.

<b>Subject Of Deadline</b>	<b>Current Deadline</b>	<b>Proposed Date Of Extension</b>
Discovery of Paper and Electronic Discovery (E-Discovery)	March 8, 2013	March 8, 2013
Joinder/Amendment of Pleadings	Stayed	Stayed
Claim Construction of Terms	Stayed	Stayed
Deadline to Request E-Discovery of Additional (any over 10) Custodians or for More Than 10 Years Back	March 15, 2013	March 15, 2013
Joint Claim Construction Statement	Stayed	Stayed
<b>Close of Fact Discovery (Except as to AUO/CMO issues and Sony depositions)</b>	<b>June 7, 2013</b>	<b>October 18, 2013</b>
<b>Close of Fact Discovery relating to AUO/CMO issues and Sony depositions</b>	<b>June 7, 2013</b>	<b>Stayed</b>
Plaintiff's Opening Brief on Claim Construction	Stayed	Stayed
Supplementations Under Rule 6(e)	Stayed	Stayed
Defendant's Answering Claim Construction Brief	Stayed	Stayed
Plaintiff's Claim Construction Reply Brief	Stayed	Stayed
Expert Reports Due (burden of proof)	Stayed	Stayed
Defendant's Surreply Claim Construction Brief	Stayed	Stayed
Rebuttal Expert Reports	Stayed	Stayed
Supplemental Reports	Stayed	Stayed
Close of Expert Discovery	Stayed	Stayed
Daubert Motions	Stayed	Stayed
Summary Judgment Motions	Stayed	Stayed

Opening Briefs on Infringement and Invalidity	Stayed	Stayed
Opening Briefs or Combined Opening-Answering Briefs on Non-Infringement and Validity	Stayed	Stayed
Hearing on Claim Construction and Motions for Summary Judgment	Stayed	Stayed
Pretrial Conference	Stayed	Stayed
Jury Trial – 7 days	Stayed	Stayed

IT IS SO STIPULATED:

<p>KLEHR HARRISON HARVEY BRANZBURG LLP</p> <p>By: <u>/s/ Sean M. Brennecke</u> David S. Eagle (# 3387) Sean M. Brennecke (#4686) 919 N. Market Street, Suite 1000 Wilmington, Delaware 19801 Tel: (302) 552-5508 Fax: (302) 426-9193 deagle@klehr.com sbrennecke@klehr.com</p> <p>Attorneys for Plaintiff Apeldyn Corporation</p>	<p>SHAW KELLER LLP</p> <p>By: <u>/s/ John Shaw</u> John W. Shaw 300 Delaware Avenue, Suite 1120 Wilmington, Delaware 19801 Tel: (302) 298-0701 Fax: (302) jshaw@shawkeller.com</p> <p>Attorneys for Sony Corporation and Sony Electronics Inc.</p>
<p>POTTER ANDERSON &amp; CORROON, LLP</p> <p>By: <u>/s/ Richard L. Horwitz</u> David Ellis Moore Richard L. Horwitz Hercules Plaza 1313 N. Mark Street, Sixth Floor Wilmington, DE 19899-0951 Tel: (302) 984-6147 Fax: (302) 778-6147 dmoore@potteranderson.com</p> <p>Attorneys for Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.</p>	

SO ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2013.

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Judge Sue L. Robinson